

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

IN RE:

MERCY HOSPITAL, IOWA CITY, IOWA,
et al.,

Debtors.

Chapter 11

Case No. 23-00623 (TJC)

(Jointly Administered)

**MOTION OF ALTERA DIGITAL HEALTH INC. TO
SEAL EXHIBITS TO REPLY AND OBJECTION TO
MOTION TO COMPEL CONTRACTUAL PERFORMANCE
FILED BY THE DEBTORS (DKT. NO. 635)**

Altera Digital Health Inc. (“Altera”), by and through its undersigned counsel, hereby files this motion to seal exhibits to be annexed to Altera’s *Reply and Objection to Motion to Compel Contractual Performance* (the “Reply and Objection”), pursuant to 11 U.S.C. § 107(b)(1) and Fed. R. Bankr. P. 9018. In support of this Motion, Altera respectfully states as follows:

1. The Debtors filed a Motion for Entry of an Order (I) Compelling Contractual Performance Under Altera Agreement, (II) Enforcing the Automatic Stay, and (III) granting Related Relief on January 12, 2024, at Dkt. No. 635.

2. Altera is a party to that certain *Master Client Agreement* executed by and among the Debtors and Altera’s predecessor-in-interest (the “Agreement”). The Agreement will be attached to the Reply and Objection. This document was previously an attachment to a Motion of Altera Digital Health Inc. to Compel Assumption or Rejection of Executory Contract and was sealed at the request of Altera by order entered December 20, 2023, at Dkt. No.588.

3. On March 9, 2021, the Debtors and Altera’s predecessor-in-interest executed that certain *Initial Client Order* (the “Client Order”). This document was previously an attachment to a Motion of Altera Digital Health Inc. to Compel Assumption or Rejection of Executory Contract and was sealed at the request of Altera by order entered December 20, 2023, at Dkt. No.588.

4. On August 1, 2023, the Debtors and Altera executed that certain amendment to the Agreement and Client Order (the “Amendment”). This document was previously an attachment to a Motion of Altera Digital Health Inc. to Compel Assumption or Rejection of Executory Contract and was sealed at the request of Altera by order entered December 20, 2023, at Dkt. No.588.

5. On June 29, 2021, and June 30, 2021, respectively, the Debtors and Altera executed that certain *Client Order for Managed Services* (the “Managed Services Order”). The Agreement provides in Paragraphs 1, 9.1 and 9.2 that all client orders are confidential. The Managed Services Order specifically provides at the bottom of each page that it is confidential. This document has not previously been attached to a document filed by Altera or the Debtors.

6. 11 U.S.C. § 107(b)(1) provides that the Court may “protect an entity with respect to . . . confidential research, development, or commercial information.” Fed. R. Bankr. P. 9018 provides that the Court may, without notice, enter any order to “protect . . . any entity in respect of . . . confidential research, development, or commercial formation.”

7. The Agreement prohibits the disclosure of the terms and conditions of the Agreement as well as the Client Order and the Managed Services Order. In addition, the Agreement, Client Order, Managed Services Order, and Amendment contain proprietary and sensitive business and financial terms of Altera that are not known to the market. Altera would be competitively disadvantaged by the disclosure and dissemination of the Agreement, Client Order, and Amendment.

8. In order to protect the confidential business information, Altera requests the Court allow Altera to file the Agreement, Client Order, Managed Services Order, and Amendment, to be attached as exhibits to the Reply and Objection, under seal. This Court has granted other requests

to seal documents under similar circumstances in this case. *See* Dkt. Nos. 376, 377, 378, 588, and 634.

WHEREFORE, for the reasons set forth herein, Altera respectfully requests the Court enter an order sealing the exhibits above identified which are to be attached to the Reply and Objection to be filed by Altera unless and until ordered otherwise by the Court.

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Dated: January 19, 2024

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